IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Kishan Singh Vs. State of Rajasthan & Ors.

S.B.CR.MISC. PETITION NO.849/2005

DATE OF ORDER :: Sept. 19, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. K.V.Vyas, for the petitioner.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner-complainant has challenged the order dt. 4.5.2005 passed by the Sessions Judge, Merta (for short 'the revisional court' hereinafter), whereby the revision petition filed by the petitioner against the order dt. 21.1.2004 passed by the Judicial Magistrate, Degana (for short 'the trial court' hereinafter), was dismissed.

I have heard learned counsel for the petitioner. Carefully gone through the orders passed by both the courts below. The

trial court by a well reasoned and elaborate order dt. 21.1.2004, dismissed the complaint filed by the petitioner against non-petitioners No.2 to 9.

From a bare perusal of the order impugned, it appears that the complainant came with a case that he put his stone slabs adjoining the wall of non-petitioner No.2 Ramniwas, thereupon, Ramniwas removed the slabs from his wall and placed them at 6 to 7 feet away. However, subsequently, the complainant alleged that the stones were stolen by non-petitioner No.2 to 9. The witnesses produced by the complainant in support of his case, have not witnessed the occurrence. The witness produced by the complainant viz. Sohan Kanwar named the three persons namely Ramniwas, Bhawar Singh and Ugmaram, who took the stones but subsequently she stated that she never saw them earlier and they are not known to her. The other witness Narendra Singh has categorically stated that he has not seen non-petitioners Ramniwas, Ugam Singh, Goga Ram and Bhawra Ram lifting the stones.

Keeping in view the evidence on record, the trial court came to the conclusion that there is no ground to proceed against the petitioners. On revision, the revisional court, on examination of the record, also came to the conclusion that

conclusion arrived at by the trial court is just and proper. In my view it is not at all a fit case warranting interference.

The petition is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-